

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED

NOV 13 2017

Clerk, U S District Court  
District Of Montana  
Billings

ALLISON L. HARVEY,

CV 17-22-BLG-SPW-TJC

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security  
Administration,

Defendant.

**ORDER**

The parties stipulate that the above-captioned case be reversed and remanded to the Commissioner of Social Security (“Commissioner”) for further administrative proceedings and a new decision. Under sentence four of 42 U.S.C. § 450(g), this Court has the power “to enter upon the pleadings and transcript of the record a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g).

Upon remand, the Appeals counsel will first determine if the record supports a finding of disability. If warranted, the Appeals Council will remand the case to an Administrative Law Judge (ALJ) to reevaluate the claimant’s mental impairments and whether their severity meets or equals a mental impairment listing, including listing 12.05; reevaluate claimant’s subjective complaints in light

of the entire record; reconsider the medical and nonmedical opinions of record; if warranted, reassess claimant's residual functional capacity; as needed, obtain supplemental vocational evidence to reassess step 5; and issue a new decision. As this case has been remanded before the same ALJ, the Appeals Council will instruct that the case be reassigned to a different ALJ.

Plaintiff will be entitled to reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

DATED this 13th day of November, 2017.

  
SUSAN P. WATTERS  
United States District Judge